

1                                   **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3   In the Matter of

4   **KASSANDRA KOSINSKI, M.D.**

5   Holder of License No. R73995  
6   For the Practice of Allopathic Medicine  
   In the State of Arizona.

Case No. MD-14-0340A

**INTERIM CONSENT AGREEMENT FOR  
PRACTICE RESTRICTION**

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8                                   **INTERIM CONSENT AGREEMENT**

9           Kassandra Kosinski, M.D. ("Respondent") elects to permanently waive any right  
10   to a hearing and appeal with respect to this Interim Order for Practice Restriction; admits  
11   the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this  
12   Interim Consent Agreement by the Board.

13                                   **RECITALS**

14           Respondent understands and agrees that:

15           1.     The Board, through its Executive Director, may adopt this Interim Consent  
16   Agreement, or any part thereof, pursuant to A.R.S. §§ 32-1405(C)(25) and A.A.C. R4-  
17   16-504.

18           2.     Respondent has read and understands this Interim Consent Agreement as  
19   set forth herein, and has had the opportunity to discuss this Interim Consent Agreement  
20   with an attorney or has waived the opportunity to discuss this Interim Consent  
21   Agreement with an attorney. Respondent voluntarily enters into this Interim Consent  
22   Agreement and by doing so agrees to abide by all of its terms and conditions.

23           3.     By entering into this Interim Consent Agreement, Respondent freely and  
24   voluntarily relinquishes all rights to an administrative hearing on the matters set forth  
25   herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review

1 or any other administrative and/or judicial action, concerning the matters related to the  
2 Interim Consent Agreement.

3 4. Respondent understands that this Interim Consent Agreement does not  
4 constitute a dismissal or resolution of this matter or any matters that may be currently  
5 pending before the Board and does not constitute any waiver, express or implied, of the  
6 Board's statutory authority or jurisdiction regarding any other pending or future  
7 investigations, actions, or proceedings. Respondent does not relinquish her rights to an  
8 administrative hearing, rehearing, review, reconsideration, judicial review or any other  
9 administrative and/or judicial action, concerning the matters related to a final disposition  
10 of this matter, unless she affirmatively does so as part of the final resolution of this  
11 matter.  
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13 5. Respondent acknowledges and agrees that upon signing this Interim  
14 Consent Agreement and returning it to the Board's Executive Director, Respondent may  
15 not revoke her acceptance of this Interim Consent Agreement or make any modifications  
16 to it. Any modification of this original document is ineffective and void unless mutually  
17 approved by the parties in writing.  
18

19 6. Respondent understands that this Interim Consent Agreement shall not  
20 become effective unless and until it is signed by the Board's Executive Director.

21 7. Respondent understands and agrees that if the Board's Executive Director  
22 does not adopt this Interim Consent Agreement, she will not assert in any future  
23 proceedings that the Board's consideration of this Interim Consent Agreement  
24 constitutes bias, prejudice, prejudgment, or other similar defense.  
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8. Respondent understands that this Interim Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board, and that it shall be reported as required by law to the National Practitioner Data Bank and on the Board's website as a disciplinary action.

9. Respondent understands that this Interim Consent Agreement does not alleviate her responsibility to comply with the applicable license-renewal statutes and rules. If this Interim Consent Agreement remains in effect at the time Respondent's Arizona allopathic medical license comes up for renewal, she must renew her license if Respondent wishes to retain her license. If Respondent elects not to renew her Arizona license as prescribed by statute and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes final action in this matter. Once the Board takes final action, in order for Respondent to be licensed in the future in the State of Arizona, she must submit a new application for licensure and meet all of the requirements set forth in the statutes and rules at that time.

10. Respondent understands that any violation of this Interim Consent Agreement constitutes unprofessional conduct under A.R.S. §§ 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.").

## INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. R73995 for the practice of allopathic medicine in the State of Arizona.

1           3.     The Board initiated case number MD-14-0340A after receiving a self-report  
2 from Dr. Kosinski stating that she had been tested and found to be impaired by alcohol  
3 while on call at a hospital on March 13, 2014.

4           4.     On March 24, 2014, the Board received additional information from the Chief  
5 Medical Officer of the hospital stating that Respondent was found to have difficulty writing  
6 notes in a medical record, and that she did not respond to any of her pages the night  
7 before she was drug screened.

8           5.     Pursuant to the Board's Physician Health Program ("PHP"), Respondent  
9 underwent an assessment. The assessment was performed by Greenberg and Sucher,  
10 PC, on April 3, 2014. Based on the results of the assessment, it was recommended that  
11 Respondent is safe to practice if enrolled in the Board's PHP for a period of two years.

12          6.     On May 1, 2014, Respondent entered into an Interim Order to Participate in  
13 the PHP with the Board ("Interim Order").

14          7.     Respondent's urine drug screens on May 13, 2014, and May 21, 2014,  
15 tested dilute. This constituted a violation of the Interim Order.

16          8.     On June 3, 2014, Respondent met with the Dr. Sucher and acknowledged  
17 that she drank alcohol after entering into the Interim Order.

18          9.     Dr. Sucher has opined that Respondent is not safe to practice until she, at a  
19 minimum, presents for a comprehensive evaluation and completes any necessary  
20 treatment.

21          10.    The investigative staff, the medical consultant and the lead Board member  
22 have reviewed the materials and concur that in order to mitigate imminent danger to the  
23 public health and safety the practice restriction set forth below is appropriate.

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1. The Board possesses jurisdiction over the subject matter hereof and over independent.

2. Pursuant to A.R.S. § 32-1405(25), if delegated by the Board, the Executive Director may enter into consent agreements when there is evidence of danger to the public health and safety. Pursuant to A.A.C. R4-16-504 the Executive Director may enter into interim consent agreements with a physician when there is evidence that a restriction is necessary to mitigate imminent danger to the public health and safety and that the physician, the medical consultant and the lead Board member concur that an interim consent agreement is appropriate.

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IT IS HEREBY ORDERED that:

1. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) until she applies to the Board and receives permission to do so. Respondent may not apply for reinstatement until such time that she presents and participates in a comprehensive evaluation at a Board approved treatment center and complies with any and all recommendations.

2. Once all of the terms and conditions of this Interim Order have been met, Respondent may request release from or modification of this Interim Order. The Board has the sole discretion to determine whether all of the terms and conditions of this Interim Order have been met and whether Respondent has adequately demonstrated that he has addressed all of the issues identified in this Interim Order. At that time, the Board shall determine whether it is appropriate to release Respondent from this Interim Order and enter a final disposition in this matter or take any other action that is consistent with its statutory and regulatory authority.

1           3.     This is an Interim Order and not a final decision by the Board regarding  
2 the pending investigative file and as such is subject to modification and further  
3 consideration by the Board.

4           4.     This Interim Order shall be effective on the date signed by the Board's  
5 Executive Director.

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8 Kassandra Kosinski, M.D.

DATED:

9           DATED AND EFFECTIVE this 10 day of June, 2014.

10  
11 ARIZONA MEDICAL BOARD

12  
13 By C Lloyd Vest, II  
14 C. Lloyd Vest, II  
15 Executive Director

16 EXECUTED COPY of the foregoing mailed  
17 this 10<sup>th</sup> day of June, 2014 to:

18 Kassandra Kosinski, M.D.  
19 ADDRESS OF RECORD

20 ORIGINAL of the foregoing filed  
21 this 10<sup>th</sup> day of June, 2014 with:

22 Arizona Medical Board  
23 9545 E. Doubletree Ranch Road  
24 Scottsdale, AZ 85258

25 Mary Baker  
Arizona Medical Board Staff